

** ORDER **



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August 17, 2023

Via ECF

Hon. James B. Clark III
U.S. District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut St.
Newark, New Jersey 07102

Re: LiveUniverse, Inc. v. Muijrers
Dkt. No. Dkt. 22-cv-4918

Dear Judge Clark:

This firm represents Defendants Rene Muijrers (“Muijrers”) and ICONV SPRL (“ICONV”) (collectively the “ICONV Defendants”) in the above-referenced matter.¹ On August 14, 2023, Plaintiff, LiveUniverse, Inc. (“Plaintiff”) filed its purported opposition to the Motions to Dismiss filed by various Defendants (the “Motions to Dismiss”). (See ECF No. 53; *see also* ECF Nos. 39, 40, 41.) Plaintiff also included in its opposition an untimely cross-motion for leave to amend its Complaint in violation of the February 22, 2023 Letter Order setting a March 24, 2023 deadline for such a filing. The cross-motion violates Your Honor’s judicial preferences which require “a red-lined proposed amended complaint as an exhibit...” The proposed amended complaint is 96-pages long, as compared to the 73-page initial Complaint.

Accordingly, I write to respectfully request for all Defendants: (1) an adjournment of the motion return date by 2-cycles to October 2, 2023 such that Defendants’ replies to the opposition to their respective motions to dismiss and oppositions to the cross-motion to amend the Complaint will be due on September 25, 2023; and (2) permission to file a 25-page response brief addressing both motions.

To briefly recount the history of these respective motions: on April 24, 2023, the ICONV Defendants filed their Motion to Dismiss as did the other Defendants. (See ECF No. 39; *see also* ECF Nos. 40, 41.) The original motion date for the Motions to Dismiss was set for June 5, 2023. On May 22, 2023, Plaintiff’s former local counsel, Mr. Howard Gutman, requested permission to file a motion to withdraw from the case, as well as a thirty (30) day extension to respond to all

¹ Counsel for the other Defendants whom this office does not represent have indicated they join this application.



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pending motions to dismiss. (See ECF No. 43.) The Court granted Mr. Gutman's request to file a motion to withdraw, and adjourned the motion date until July 6, 2023. (See ECF No. 44.) On May 30, 2023, Mr. Gutman filed his motion to withdraw, which was granted on June 28, 2023. (See ECF Nos. 45, 49.) In granting Mr. Gutman's to withdraw, the Court ordered Plaintiff to obtain new counsel and respond to all pending motions to dismiss within thirty (30) days. (See ECF No. 44.) On July 31, 2023, Plaintiff's current local counsel, Mr. Kevin Dimedio filed a notice of appearance and requested a further adjournment of the motion date. (See ECF Nos. 50, 51) On August 1, 2023, the Court ordered Plaintiff to respond to all pending motions to dismiss by August 14, 2023. (See ECF No. 52.) On August 14, 2023, Plaintiff finally filed its purported opposition to the Motions to Dismiss. (See ECF No. 53.)

However, Plaintiff's purported opposition is primarily an untimely Cross-Motion to Amend Plaintiff's Complaint with a 96-page long Amended Complaint. As such, additional time and pages are required to fully parse Plaintiff's latest filing. Accordingly, we request that the motion return date for both the Motions to Dismiss and the Motion to Amend be moved to October 2, 2023, and (2) the Defendants be granted permission to file a 25-page response brief in further support of the Motions to Dismiss and in opposition to the Cross-Motion to Amend.

We attempted to obtain Plaintiff's consent to this request and have not received a response.

We thank the Court for its time and attention to this matter.

SO ORDERED

s/James B. Clark

James B. Clark, U.S.M.J.

Date: 8/21/2023

Respectfully Submitted,

Norris McLaughlin, P.A.

By:

Nicholas Duston

Nicholas Duston

CC: All counsel of record (by ECF)

* By no later than August 25, 2023, plaintiff shall file a version of the proposed Amended complaint which complies with Local civil Rule 15.1(2).
 * Defendants shall file their reply/opposition by September 25, 2023. pursuant to Local civil Rule 7.1(h), Defendants' reply/opposition briefs shall not exceed forty (40) pages.